IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO.663 OF 2004

In

WRIT PETITION NO.2272 OF 2004

Spice Island Apparels Ltd. & Anr. : Petitioners

V/s.

Union of India & Ors. : Respondents

...

Mr.M.M.Jaykar i/b. Khaitan & Jayakar for the petitioners.

Mr.R.C.Master with Mr.Y.R. Mishra for respondent nos.1, 3 and 4.

Mr.R.C.Dalal with Mrs.Usha Narasimhan for respondent no.2.

...

**CORAM : S.RADHAKRISHNAN & S.A.BOBDE, JJ.**

December 7, 2004.

P.C.:

1. Heard the learned counsel for the petitioners and the respondents. Perused the affidavit-in-support of the Notice of Motion. Perused also the order which is impugned in the main Petition being order dated 15.12.2003.

2. The forfeiture amount is Rs.7,26,310/- which is being

challenged in the present petition. After hearing the parties for sometime, the learned counsel for the petitioners fairly states that he will furnish a Bank Guarantee of a Nationalised Bank in favour of the Registrar (O.S.)/Prothonotary & Senior Master in the sum of Rs.7,26,310/- within a week from today. The petitioners shall also keep the said Bank Guarantee alive till the final hearing and disposal of Writ Petition no.2272 of 2004. Upon furnishing such Bank Guarantee in favour of the Registrar (O.S.)/Prothonotary & Senior Master, respondent no.2 shall return the Demand Draft issued by Vijaya Bank in the sum of Rs.7,26,310/- back to the petitioners.

3. The Notice of Motion stands disposed of accordingly.

4. Having regard to the facts and circumstances of the case, hearing of the above Writ Petition is expedited.

5. Parties to act on a copy of this order duly authenticated by the Associate of this Court.

6. Issuance of certified copy expedited.

Sd/-

(S. RADHAKRISHNAN, J.)

Sd/-

(S.A. BOBDE, J.)